

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 13-108, ARTICLE XIII, SECTIONS 13-1301, 13-1302 AND 13-1303, ARTICLE XVIII, SECTIONS 13-1801, 13-1802, AND 13-1804, AND 13-2106, ARTICLE XXI, SECTIONS 13-2101, 13-2102, 13-2103, 13-2105, AND 13-2106, ALL IN CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, CONCERNING LICENSURE AND OCCUPATIONAL TAX PERMITS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES AND CONSISTENCY WITH STATE LAWS AND REGULATIONS EFFECTIVE OCTOBER 1, 2018; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Article I, Section 13-108 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

**Sec. 13-108. Fee schedules for licenses and permits and occupational taxes.**

- (a) The fee schedule, hereinafter set forth, shall be levied and collected by the Clerk, or ~~his~~ the Clerk's representatives, for the applicable license, fees, permits, or occupational tax levies, prior to the issuance of any such license permit or conducting of the business of serving ~~mixed~~ alcoholic beverages.
- (b) Occupational Taxes relating to the Sale of Alcoholic beverages (definitions in 37 O.S. § 506 through September 30, 2018, and found in 37A § 1-103 thereafter) are set forth as follows:
  - (1) Brewer, per year .... \$1,000.00  
~~(2) (a) Brewer, Oklahoma, per year ..... 50.00~~
  - (2) Brewpub, per year ....\$1,000.00  
(a) Brewpub, if licensee also holds a Mixed Beverage or Wine and Beer permit, per year ..... 50.00
  - (3) Distiller, per year....35.00
  - (4) ~~Package store~~ Retail spirits store .... 900.00
  - (5) ~~Occupational tax for the sale of mMixed~~ beverages, first year .... 1,000.00  
Renewals, per year .... 900.00

- (6) ~~Occupational tax for the sale of~~ On premises beer or wine, first year .... 500.00  
Renewals, per year .... 450.00
- (7) ~~Occupational tax for the sale of~~ mMixed beverage/caterer combination .... 1,250.00  
Renewals, per year .... 1,250.00
- (8) Rectifier, per year .... 2,500.00
- (9) “Class I” beer license, § 13-1802(1) (available and effective only through September 30, 2018) .... 20.00
- (10) “Class II” beer license, § 13-1802(2) (available and effective only through September 30, 2018).... 10.00
- (11) Winemaker, per year .... 500.00
- (12) Winemaker, Oklahoma, per year .... 50.00
- (13) Wholesaler, and effective October 1, 2018, “Wine and Spirits Wholesaler,” per year .... 2,000.00
- (14) Wholesaler, class B, and effective October 1, 2018, “Beer Distributer,” per year .... 500.00
- ~~(15) Special event 3.2 Class I beer license (available and effective only through September 30, 2018) .... 25.00~~
- (15) Retail beer (effective beginning October 1, 2018) .... 500.00
- (16) Retail wine (effective beginning October 1, 2018) .... 1,000.00

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- ~~(q) Special event tax ..... 50.00~~
- (r)(q) All adult entertainment uses ..... 50.00
- (s)(r) Impoundment/salvage yards ..... 50.00
- (t)(s) Manufactured fertilizer ..... 25.00

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§ 2. That Article XIII, Sections 13-1301, 13-1302 and 13-1303 of Chapter 13 of the Code of the City of Norman, Oklahoma, shall be amended, to read as follows:

ARTICLE XIII. – ~~Reserved~~ BREWERIES AND BREWPUBS.

**Sec. 13-1301. Occupational tax levied.**

No person shall operate or maintain a brewery or brewpub without having previously paid the occupational tax as provided in this chapter.

**Sec. 13-1302. Definitions.**

*Brewer:* Any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which an occupational tax is imposed.

*Brewpub:* a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption.

**Sec. 13-1303. Hours of Operation.**

No brewery or brewpub to which the brewery occupational tax is applicable, nor any agent, servant or employee of such establishment shall sell, dispense, serve or allow to be consumed any beer, as that term is defined in 37A § 1-103(5), on the premises between the hours of 2:00 a.m. and 8:00 a.m.

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§3. That Article XVIII, Sections 13-1801, 13-1802, 13-1804, 13-1805, and 13-1806 of Chapter 13 of the Code of the City of Norman, Oklahoma, shall be amended, to read as follows:

ARTICLE XVIII. – ~~BEER LICENSES AND OCCUPATIONAL TAX FOR WINE, BEER AND MIXED BEVERAGE SALES FOR ON PREMISES CONSUMPTION~~

**Sec. 13-1801. ~~Licenses required or o~~ Occupational tax levied.**

~~(a) No person shall operate or maintain any business serving mixed beverages or beer or wine without having previously paid the occupational tax as provided in this chapter.~~

~~(b) No person shall sell or offer for sale low point beer without having previously obtained a license as provided in this chapter. No person who has been convicted of a felony shall be issued a beer license.~~

**Sec. 13-1802. – Definitions.**

The following words and phrases when used in this article shall, for the purposes of this article, have the meanings respectively ascribed to them in this section, except when the context otherwise requires:

*On premises beer and wine license:* An occupational tax permit license for the retail sale of beer containing more than three and two-tenths (3.2) percent of alcohol by weight and wine which means and includes any beverage containing more than one-half (½) of one (1) percent of alcohol by volume and not more than twenty-four (24) percent alcohol by volume. Effective October 1, 2018, this occupational tax permit will apply to the sale of both low point and strong beer, as those terms are defined in 37A O.S. § 1-103.

*“Class I” beer license:* A license for the retail sale of a beverage containing more than one-half (½) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight, sold for consumption on the premises, or sold not in the original containers for consumption on or off the premises. “Class I” beer licenses are only available and effective through September 30, 2018.

*“Class II” beer license:* A license for the retail sale of a beverage containing more than one-half (½) of one (1) percent alcohol by volume and not more than three and two-tenths (3.2) percent alcohol by weight, sold in the original containers for consumption off the premises. “Class II” beer licenses are only available and effective through September 30, 2018.

*Mixed beverage/caterer license:* An occupational tax permit license for sale of mixed beverages as specifically provided by state law for the holder of a mixed beverage license or a caterer license.

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**Sec. 13-1804. – Hours of operation.**

- (a) ~~No person who holds a~~ establishment to which the mixed beverage or on premises beer and wine license occupational tax is applicable, nor any agent, servant or employee of such establishment licensee, shall sell, dispense, serve or allow to be consumed any mixed beverages, beer or wine on the premises between the hours of 2:00 a.m. and ~~10:00~~ 8:00 a.m.
- (b) Effective through September 30, 2018, ~~No~~ person who holds a “Class I” beer license, nor any agent, servant or employee of said licensee, shall sell, dispense, serve or allow to be consumed any low-point beer on the premises between the hours of 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between 2:00 a.m. and 12:00 noon on Sunday.

- (c) Effective through September 30, 2018, and except as herein provided, no person who owns, manages or operates any business serving mixed beverages, beer or wine or a “Class I” establishment zones as a bar, club, or tavern licensed under the authority of this chapter shall permit any person to remain on the premises past the applicable closing time; provided that a maximum of eight (8) persons shall be permitted to remain for two (2) hours past the applicable closing time, so long as they are employed by the business serving mixed beverages, beer or wine or the “Class I” establishment and are involved in cleaning, closing or otherwise securing the premises.

**Sec. 13-1805. – Special event taxes.**

~~— A Special Event License may be issued to an organization, association, or nonprofit corporation organized for political, fraternal, charitable, religious or social purposes. The holder of a Special Event License is authorized to sell and distribute alcoholic beverage on the premise for which the license is issued. No Special Event License may be issued for any premises already licensed by the ABLÉ Commission. A Special Event License shall be valid for a period not to exceed ten (10) consecutive days and no qualified organization may obtain more than one (1) such license in a 90 day period. Prior to obtaining the City's approval, a Special Event License must be issued by the Alcoholic Beverage Laws Enforcement Commission.~~

**Sec. 13-1805. - Employment.**

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits. Provided:

- (a) a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except persons under twenty-one (21) years of age may not serve in designated bar or lounge areas, and
- (b) a mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employee or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLÉ Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.

**~~Sec. 13-1806. — Special event 3.2 Class I beer license.~~**

~~A Special Event 3.2 Class I Beer License may be issued to an organization, association, or nonprofit organization organized for political, fraternal, charitable, or religious or social purposes. The holder of the Special Event 3.2 Class I Beer License is authorized to sell and distribute 3.2 beer on the premises for which the license is issued. No Special Event License may be issued for any premises already licensed by the City. A Special Event License shall be valid for a period not to exceed (3) consecutive days and no qualified organization may obtain more than one (1) such license in a ninety (90) day period. The applicant must have all county and state licenses prior to obtaining the City's approval.~~

**Sec. 13-~~1807~~1806. - Mixed beverage or beer and wine certificate of compliance.**

- (a) A mixed beverage or beer and wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act.
- (b) This certificate shall be reviewed and approved by the following City departments:
  - (1) The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Director of Planning and Community Development, or his designee.
  - (2) The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Norman, verified by the Director of Planning and Community Development, or his designee.
  - (3) The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Norman, verified by the Fire Inspector for the City of Norman or his designee.
  - (4) The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Norman, verified by the Cleveland County Health Department Inspector or his designee.

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- § 4. That Article XXI, Sections 13-2101, 2103, and 2105 of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

**ARTICLE XXI – RETAIL LIQUOR SPIRITS STORES AND RETAIL STORES SELLING WINE OR BEER FOR OFF PREMISES CONSUMPTION**

**Sec. 13-2101. - ~~License r~~ Required Occupational tax levied.**

No person shall operate, manage or work in any retail establishment that sells, for off premises consumption only, any type of alcoholic beverage, as that term is found in 37 O.S. § 506 through September 30, 2018, and as found in 37A § 1-103 thereafter ~~store, also known as retail liquor store or package store,~~ without having previously obtained an occupational tax permit for that store as provided in this chapter.

**Sec. 13-2102. – Retail spirits, retail beer and retail wine certificate of compliance.**

- (a) A retail spirits, retail beer and retail wine certificate of compliance, on forms furnished by the City, shall be completed by every applicant for an original license pursuant to the Oklahoma Alcoholic Beverage Control Act.
- (b) This certificate shall be reviewed and approved by the following City departments:
- (1) The applicant's proposed location and use thereof must comply with all municipal zoning ordinances, verified by the Director of Planning and Community Development, or his designee.
  - (2) The applicant's proposed site and structure must comply with all building codes as required by the Code of the City of Norman, verified by the Director of Planning and Community Development, or his designee.
  - (3) The applicant's proposed site, structure, and location must comply with all Fire Code requirements required by the Code of the City of Norman, verified by the Fire Inspector for the City of Norman or his designee.
  - (4) The applicant's proposed location and use thereof must comply with all provisions regarding food service requirements as required by the Code of the City of Norman, verified by the Cleveland County Health Department Inspector or his designee.

**~~Sec. 13-2102. – Advertising.~~**

~~Except as provided in section 13-2109 of this Code, no person shall advertise or cause to be advertised the sale of alcoholic beverages.~~

**Sec. 13-2103. – Deliveries.**

No wholesale dealer in alcoholic beverages shall sell or deliver to any retail ~~liquor~~ spirits store any alcoholic beverages on ~~Saturdays, Sundays, New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day, or Christmas Day,~~ or while the polls are open on the day of any general, primary, runoff primary or special election.

**Sec. 13-2104. - Employment.**

No person shall employ any person under eighteen (18) years of age in the selling of beer or wine or employee any person under twenty-one (21) years of age in the selling of spirits.

~~(a) No person shall employ or assist in the employment of any person under the age of twenty one (21) years in the selling, manufacture, distribution or other handling of alcoholic beverages.~~

~~(b) No person under twenty one (21) years of age shall seek or retain employment in the selling, manufacture, distribution, or other handling of alcoholic beverages.~~

**Sec. 13-2105 – Hours of business for selling alcoholic beverages.**

(a) Retail Spirits Stores. Now and through September 30, 2018, no person shall open or operate a retail liquor spirits store except between the hours of 10:00 a.m. and 9:00 p.m. Effective October 1, 2018, retail spirits stores will be permitted to remain open and operational from 8:00 a.m. through midnight. Further, no person shall open or operate a retail liquor spirits store at any time on the following days:

(1) Sunday;

(2) New Year's Day;

~~(3) Memorial Day;~~

~~(4) Fourth of July 4, 2018;~~

~~(5) Labor Day September 3, 2018;~~

~~(6) Veterans Day;~~

(7) Thanksgiving Day; or

(8) Christmas Day.

(b) Retail beer or retail wine stores. Effective October 1, 2018, a retail wine or retail beer establishment may offer wine or beer for retail sale on Monday through Sunday between the hours of 6:00 a.m. and 2:00 a.m. the following day.

**Sec. 13-2106. – ~~Passageways.~~**

~~(a) No person shall maintain, operate or assist in the operation of a retail liquor store on premises which are not separate from adjoining premises in which other goods, wares, or merchandise are sold or services are rendered, and such separation shall be by nontransparent walls, broken only, if at all, by a passageway to which the public is not admitted.~~



~~(b) No person shall take any alcoholic beverage through any such passageway for the purpose of selling, reselling, or delivering such beverage in connection with a sale of that beverage.~~

**~~Sec. 13-2107.~~ Prizes, promotions.**

~~No owner, manager, or employee of a retail liquor store shall offer or furnish any prize, premium, gift, or similar inducement to a consumer in connection with a sale of alcoholic beverages, except that goods or merchandise included by the manufacturer in packaging with alcoholic beverages or for packaging with alcoholic beverages shall not be included in this prohibition.~~

**~~Sec. 13-2108.~~ Sales.**

~~(a) No person at any retail liquor store shall sell any alcoholic beverage on credit.~~

~~(b) No person shall sell at retail, or deliver in consequence or completion of such sale, any alcoholic beverage except at a retail liquor store.~~

~~(c) No person shall sell or deliver any alcoholic beverages at a retail liquor store other than:~~

~~— (1) In retail containers;~~

~~— (2) At ordinary room temperatures;~~

~~— (3) In the original package; and~~

~~— (4) For consumption off the premises.~~

~~(d) No person owning, employed in, or assisting in the maintenance and operation of such a store shall permit any alcoholic beverage to be opened or consumed on the store's premises.~~

**~~Sec. 13-2109~~2106. - Signs.**

No person shall erect or maintain any sign designating a retail liquor store unless they comply with the "City of Norman Sign Code" which has been codified as chapter 18 of the Code of the City of Norman, Oklahoma.

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§ 5. WHEREAS it is acknowledged that qualified retail spirits, wine and spirits wholesaler, beer distributor, retail beer, and retail wine state licensees are permitted to perform interim activities that will be permissible under these licenses as fully effective on October 1, 2018, *except* for the actual sale of wine and beer to the public. These interim activities include, but are not limited to, the purchasing, stocking, and storing of wine and/or beer on the licensed premises. In order to qualify for these interim activities, the state licensee must satisfy all the requirements set forth in Article XXVIII A of the Oklahoma Constitution and state law.

§ 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

NOT ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Lynne Miller, Mayor

\_\_\_\_\_  
Lynne Miller, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Hall, City Clerk